

91ST CONGRESS
2^D SESSION

H. R. 15628

IN THE SENATE OF THE UNITED STATES

JUNE 30, 1970

Ordered to be printed with the amendments of the Senate numbered

AN ACT

To amend the Foreign Military Sales Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That subsection (b) of section 3 of the Foreign Military
4 Sales Act (22 U.S.C. 2753 (b)) is amended to read as
5 follows:

6 “(b) No sales, credits, or guaranties shall be made or
7 extended under this Act to any country during a period of
8 one year after such country seizes, or takes into custody, or
9 fines an American fishing vessel for engaging in fishing more
10 than twelve miles from the coast of that country. The Presi-
11 dent may waive the provisions of this subsection when he de-

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1 terminates it to be important to the security of the United
2 States or he receives reasonable assurances from the country
3 involved that future violations will not occur, and promptly
4 so reports to the Speaker of the House of Representatives
5 and the Committee on Foreign Relations of the Senate. The
6 provisions of this subsection shall not be applicable in any
7 case governed by an international agreement to which the
8 United States is a party."

9 SEC. 2. Section 31 of such Act (22 U.S.C. 2771) is
10 amended—

11 (1) by striking out of subsection (a) "not to ex-
12 ceed \$296,000,000 for the fiscal year 1969" and insert-
13 ing in lieu thereof "not to exceed ~~(1)~~\$275,000,000 for
14 the fiscal year 1970 and not to exceed \$272,500,000 for
15 each of the fiscal years 1971 and 1972"; \$250,000,000
16 for each of the fiscal years 1970 and 1971"; and

17 (2) by striking out of subsection (b) "during the
18 fiscal year 1969 shall not exceed \$296,000,000" and
19 inserting in lieu thereof ~~(2)~~"during the fiscal year 1970
20 shall not exceed \$350,000,000 and during each of the
21 fiscal years 1971 and 1972 shall not exceed \$385,
22 000,000", "shall not exceed \$300,000,000 for each of
23 the fiscal years 1970 and 1971".

24 SEC. 3. Section 33 of such Act (22 U.S.C. 2773) is
25 amended—

1 (1) by striking out of subsection (a) "the fiscal
2 year 1969" and inserting in lieu thereof "each fiscal
3 year"; and

4 (2) by striking out of subsection (b) "the fiscal
5 year 1969" and inserting in lieu thereof "each fiscal
6 year".

7 SEC. 4. The last paragraph of section 1 of such Act (22
8 U.S.C. 2751) is amended by striking out "denying social
9 progress" and inserting in lieu thereof "denying the growth
10 of fundamental rights or social progress".

11 SEC. 5. It is the sense of Congress that (1) the Presi-
12 dent should continue to press forward urgently with his
13 efforts to negotiate with the Soviet Union and other powers
14 a limitation on arms shipments to the Middle East, (2) the
15 President should be supported in his position that arms will
16 be made available and credits provided to Israel and other
17 friendly states, to the extent that the President determines
18 such assistance to be needed in order to meet threats to the
19 security and independence of such states, and (3) if the
20 authorization provided in the Foreign Military Sales Act, as
21 amended, should prove to be insufficient to effectuate this
22 stated policy, the President should promptly submit to the
23 Congress requests for an appropriate supplementary author-
24 ization and appropriation.

25 SEC. 6. It is the sense of the Congress that—

1 (1) the President should immediately institute a
2 thorough and comprehensive review of the military aid
3 programs of the United States, particularly with respect
4 to the military assistance and sales operations of the
5 Department of Defense, and

6 (2) the President should take such actions as may
7 be appropriate—

8 (A) to initiate multilateral discussions among
9 the United States, the Union of Soviet Socialist
10 Republics, Great Britain, France, West Germany,
11 Italy, and other countries on the control of the world-
12 wide trade in armaments,

13 (B) to commence a general debate in the
14 United Nations with respect to the control of the
15 conventional arms trade, and

16 (C) to use the power and prestige of his office
17 to signify the intention of the United States to work
18 actively with all nations to check and control the
19 international sales and distribution of conventional
20 weapons of death and destruction.

21 **(3)** *SEC. 7. The Foreign Military Sales Act is further*
22 *amended by adding at the end thereof the following new*
23 *section:*

24 *"SEC. 47. LIMITATIONS ON UNITED STATES IN-*
25 *VOLEMENT IN CAMBODIA.—In concert with the declared*

1 objectives of the President of the United States to avoid the
2 involvement of the United States in Cambodia after July 1,
3 1970, and to expedite the withdrawal of American forces
4 from Cambodia, it is hereby provided that/unless specifically
5 authorized by law hereafter enacted, no funds authorized or
6 appropriated pursuant to this Act or any other law may
7 be expended after July 1, 1970/for the purposes of—/

8 “(1) retaining United States forces in Cambodia;

9 “(2) paying the compensation or allowances of, or
10 otherwise supporting, directly or indirectly, any United
11 States personnel in Cambodia who furnish military in-
12 struction to Cambodian forces or engage in any combat
13 activity in support of Cambodian forces;

14 “(3) entering into or carrying out any contract or
15 agreement to provide military instruction in Cambodia,
16 or to provide persons to engage in any combat activity in
17 support of Cambodian forces; or

18 “(4) conducting any combat activity in the air
19 above Cambodia in direct support of Cambodian forces.”

20 Nothing contained in this section shall be deemed to impugn
21 the constitutional power of the President as Commander-in-
22 Chief, including the exercise of that constitutional power
23 which may be necessary to protect the lives of United States
24 Armed Forces wherever deployed. Nothing contained in this

1 *section shall be deemed to impugn the constitutional*
2 *powers of the Congress including the power to declare war*
3 *and to make rules for the Government and regulation of the*
4 *Armed Forces of the United States.*

5 *SEC. 8. Unless the sale, grant, loan, or transfer of any*
6 *International Fighter aircraft (1) has been authorized by*
7 *and made in accordance with the Foreign Military Sales Act*
8 *or the Foreign Assistance Act of 1961, or (2) is a regular*
9 *commercial transaction (not financed by the United States)*
10 *between a party other than the United States and a foreign*
11 *country, no such aircraft may be sold, granted, loaned, or*
12 *otherwise transferred to any foreign country (or agency*
13 *thereof) other than South Vietnam. For purposes of this*
14 *section, "International Fighter aircraft" means the fighter*
15 *aircraft developed pursuant to the authority contained in the*
16 *proviso of the second paragraph of section 101 of Public*
17 *Law 91-121 (relating to military procurement for fiscal*
18 *year 1970 and other matters).*

19 *SEC. 9. (a) Subject to the provisions of subsection*
20 *(b), the value of any excess defense article given to a*
21 *foreign country or international organization during any*
22 *fiscal year shall be considered to be an expenditure made from*
23 *funds appropriated for that fiscal year to carry out the*
24 *provisions of part II of the Foreign Assistance Act of 1961,*
25 *and at the time of the delivery of that article a sum equal to*

1 *the value thereof shall be withdrawn from such funds and*
2 *deposited in the Treasury as miscellaneous receipts.*

3 *(b) The provisions of subsection (a) shall apply during*
4 *any fiscal year only to the extent that the aggregate value*
5 *of all such articles so given during that year exceeds*
6 *\$35,000,000.*

7 *(c) For purposes of this section "value" means not less*
8 *than 50 per centum of the amount the United States paid at*
9 *the time the excess defense articles were acquired by the*
10 *United States.*

11 *SEC. 10. (a) No excess defense article may be given,*
12 *and no grant of military assistance may be made, to a for-*
13 *ign country unless the country agrees—*

14 *(1) to deposit in a special account established by*
15 *that country the following amounts of currency of that*
16 *country:*

17 *(A) in the case of any excess defense article*
18 *to be given to that country, an amount equal to 50*
19 *per centum of the fair value of the article, as deter-*
20 *mined by the Secretary of State, at the time the*
21 *agreement to give the article to the country is made;*
22 *and*

23 *(B) in the case of a grant of military assistance*
24 *to be made to that country, an amount equal to 50*
25 *per centum of each such grant; and*

1 (2) to make available to the United States Govern-
2 ment, for use in paying obligations of the United States
3 in that country and in financing international educa-
4 tional and cultural exchange activities in which that
5 country participates under the programs authorized by
6 the Mutual Educational and Cultural Exchange Act of
7 1961, such portion of the special account of that country
8 as may be determined, from time to time, by the Presi-
9 dent to be necessary for any such use.

10 (b) Section 1415 of the Supplemental Appropriation
11 Act, 1953 (31 U.S.C. 724), shall not be applicable to the
12 provisions of this section.

13 SEC. 11. (a) In considering a request for approval of
14 any transfer of a defense article to another country under
15 section 505 (a)(1) and (a)(4) of the Foreign Assistance
16 Act of 1961, and section 3(a)(2) of the Foreign Military
17 Sales Act, the President shall not give his consent to the trans-
18 fer unless the United States itself would transfer the defense
19 article under consideration to that country.

20 (b) The President shall not consent to the transfer by
21 any foreign country or person to a third or subsequent
22 country or person of any defense article given, loaned, or
23 sold by the United States, or the sale of which is financed by
24 the United States (through credit, guaranty, or otherwise),
25 unless the foreign country or person which is to make the

1 *transfer first obtains from the country or person to which*
2 *the transfer is to be made an agreement that such country*
3 *or person will not give, sell, loan, or otherwise transfer such*
4 *article to any other foreign country or person (1) without*
5 *the consent of the President, and (2) without agreeing to*
6 *obtain from such other foreign country an agreement not to*
7 *give, sell, loan, or otherwise transfer such article without*
8 *the consent of the President.*

9 *SEC. 12. (a) Notwithstanding any provision of law en-*
10 *acted before the date of enactment of this section, no money*
11 *appropriated for foreign assistance (including foreign mili-*
12 *tary sales) shall be available for obligation or expenditure—*

13 *(1) unless the appropriation thereof has been pre-*
14 *viously authorized by law; or*

15 *(2) in excess of an amount previously prescribed*
16 *by law.*

17 *(b) To the extent that legislation enacted after the*
18 *making of an appropriation for foreign assistance (includ-*
19 *ing foreign military sales) authorizes the obligation or ex-*
20 *penditure thereof, the limitation contained in subsection (a)*
21 *shall have no effect.*

22 *(c) The provisions of this section shall not be superseded*
23 *except by a provision of law hereafter enacted which specifi-*
24 *cally repeals or modifies the provisions of this section.*

1 *SEC. 13. For purposes of sections 9, 10, and 11—*

2 *(1) "defense article" and "excess defense articles"*
3 *have the same meanings as given them in section 644 (d)*
4 *and (g), respectively, of the Foreign Assistance Act*
5 *of 1961; and*

6 *(2) "foreign country" includes any department,*
7 *agency, or independent establishment of the foreign*
8 *country.*

9 *SEC. 14. The joint resolution entitled "Joint resolution*
10 *to promote the maintenance of international peace and secu-*
11 *rity in Southeast Asia", approved August 10, 1964 (78*
12 *Stat. 384; Public Law 88-408), is terminated effective upon*
13 *the day that the second session of the Ninety-first Congress*
14 *is adjourned.*

15 *PROHIBITION OF ASSISTANCE TO THE REPUBLIC OF KOREA*

16 *SEC. 15. No funds authorized or appropriated for eco-*
17 *nomie aid to the Republic of Korea may be expended unless*
18 *the President first determines that no nationals of the Republic*
19 *of Korea are fishing salmon east of the line 175 degrees West*
20 *Longitude.*

21 *SEC. 16. No funds authorized or appropriated pursuant*
22 *to this or any other law may be used to transport chemical*
23 *munitions from the Island of Okinawa to the United States.*
24 *Such funds as are necessary for the detoxification or destruc-*
25 *tion of the above described chemical munitions are hereby*

- 1 *authorized and shall be used for the detoxification or destruc-*
- 2 *tion of chemical munitions only outside the United States.*

Amend the title so as to read: "An Act to amend the Foreign Military Sales Act, and for other purposes."

Passed the House of Representatives March 24, 1970.

Attest: W. PAT JENNINGS,
Clerk.

Passed the Senate with amendments June 30, 1970.

Attest: FRANCIS R. VALEO,
Secretary.

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91st CONGRESS
2d Session

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Calendar No. 868

91ST CONGRESS
2^D SESSION

H. R. 15628

IN THE SENATE OF THE UNITED STATES

JUNE 29, 1970

Ordered to lie on the table and to be printed

AMENDMENT

Intended to be proposed by Mr. JACKSON (for himself, Mr. McGEE, and Mr. PACKWOOD) to H.R. 15628, an Act to amend the Foreign Military Sales Act, viz:

- 1 On page 5a, line 18, after the word "in", insert "direct".

Amdt. No. 746

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Amdt. No. 746

Calendar No. 868

**91ST CONGRESS
2D SESSION**

H. R. 15628

AMENDMENT

Intended to be proposed by Mr. JACKSON (for himself, Mr. McGEE, and Mr. PACKWOOD) to H.R. 15628, an Act to amend the Foreign Military Sales Act.

JUNE 29, 1970

Ordered to lie on the table and to be printed

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